

Notice of Allowability

Application No.

09/474,642

Examiner

Richard Woo

Applicant(s)

FOTH, THOMAS J.

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief filed on February 22, 2005.
2. ☒ The allowed claim(s) is/are 1,3,6,7,9, 11-17,19 and 20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 07-05-02.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 12-5-05
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Shapiro (Reg. No. 35,677) on My 12, 2005.

2) The application has been amended as follows:

In the Claims:

Claim 10 has been canceled without prejudice.

The above change to the claim has been made to overcome the 35 U.S.C. 101 rejection so as to place the instant application in condition for allowance.

Reasons for Allowance

3) The following is an examiner's statement of reasons for allowance:

The instant invention is deemed to be directed to an unobvious improvement over the inventions patented in Lewis et al. (US 6,233,565).

W.R.T. Claim 1:

Lewis et al. discloses a method comprising the steps of:

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receiving at a computer a refund request;
determining if the value in the dispute account is acceptable for permitting a refund; and
refunding the postage amount to a user of the postage meter by sending enabling data from the computer to the postage meter.

However, Lewis et al. does not expressly disclose the method including:
using the computer for accessing a dispute account database for identifying a dispute account having a value therein that is indicative of a level of refund activity attributable to the postage meter, the dispute account being associated with the request.

W.R.T. Claim 7:

Lewis et al discloses a postage metering system comprising:
a postage meter; a processor; a data center in communication with the postage meter; and
means for permitting communication between the postage meter and the data center; and
wherein the secure CPU determines a refund of postage and CPU refunds the amount to a user by sending enabling data useable by the processor for adding the postage amount to the postage meter vault.

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However, Lewis et al. does not expressly disclose the system including:
the data center having a CPU and a dispute account database, the dispute account database having a dispute account having a value there that is indicative of a level of refund activity attributable to the postage meter, the dispute account being associated with the postage meter.

W.R.T. Claim 17:

Lewis et al. discloses a method comprising the steps of:
receiving at a computer a refund request;
determining if the value in the dispute account is acceptable for permitting a refund; and
refunding the postage amount to a user of the postage meter by adding the postage amount to a vault of the postage meter.

However, Lewis et al. does not specifically disclose the method including the step of:

accessing a dispute account database for identifying a dispute account having a value therein that is indicative of a level of refund activity attributable to the postage meter, the dispute account being associated with the request.

W.R.T. Claim 20:

Lewis et al discloses a postage metering system comprising:

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a postage meter having a vault; a processor;
means for permitting communication between the postage meter and the data center; and

wherein the secure CPU determines a refund of postage and CPU refunds the amount to a user by sending enabling data useable by the processor for adding the postage amount to the postage meter vault.

However, Lewis et al. does not expressly disclose the postage meter having:
a dispute account having a value therein, the value indicative of a level of refund activity attributable to the postage meter.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"Stamps.com To Pilot a New PC Postage Product" is cited to show a new software that is designed to address the issue of wasteful misprints and improve the customer's experience, wherein the users can reprint or get an electronic refund.

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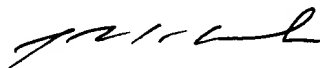
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 571-272-6813. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard Woo
Patent Examiner
Art Unit 3639
May 12, 2005



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

T S15/FULL/17

15/9/17 (Item 1 from file: 9)

DIALOG(R)File 9:Business & Industry(R)

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03514635 Supplier Number: 125835522 (THIS IS THE FULLTEXT)

✓Stamps.com To Pilot a New PC Postage Product.

ePostal News, p NA

August 02, 2004

DOCUMENT TYPE: Newsletter (United States)

LANGUAGE: English RECORD TYPE: Fulltext

WORD COUNT: 826

TEXT:

PC postage house Stamps.com says it's gotten the goahead from the US Postal Service to test a new unnamed Netstamp-like offering whose look-and-feel can be customized. NetStamps lets people print out sheets of postage in any denomination for any class of mail and isn't tied to either a destination address or a mailing date.

The new widgetry is supposed to let customers include business logos, photos and other graphic images. Stamps.com plans to start marketing the stuff on a limited basis this quarter. Sales won't be material.

"We're putting the finishing touches on a few items around the business model including the final name of the product," said Stamps.com CEO Ken McBride.

Stamps is supposed to provide more details in the next few weeks.

Stamps' new software follows its launch of Netstamp version 4 at the end of last quarter. Rev 4 was designed to address the issue of wasteful misprints and improve the customer's experience. With the new release, users can reprint or get an electronic refund.

Stamps.com put the value of the postage printed last quarter across its entire customer base at \$35.7 million, up 59% year-over-year, but down \$900,000 sequentially.

Its net registered customer base increased by 8,000 to 320,000 last quarter compared to an increase of 18,000 in Q1. Stamps said nearly all its new subscribers registered for its higher-value Power Plan. The company has been transitioning its customers to the Power Plan for a while now.

"Being able to acquire all Power Plan customers at the \$16-a-month price point versus our older Simple Plan at \$5 a month has had a dramatic impact on our overall model," McBride said. Despite what is basically a price increase for new customers, Stamps claims it continued to register a significant number of new customers.

It said it acquired 46,000 gross new customers in Q2 with Power Plan clients accounting for 100% of the new acquisitions. In Q2 last year, Stamps picked up 15,000 new Power Plan customers for a total 27,000 of new customers.

Power Plan customers now account for 40%, or 129,000, of the company's total registered base compared to 36% at the end of Q1. Simple Plan accounts dropped to 191,000. However, net customer acquisitions are down sequentially by 10,000 because the company pulled back from the e-mail marketing, which, though cheaper has had higher churn. Its main hook is online advertising and direct mail.

In Q2 the average monthly churn rate during the company's usual 29-day trial period was down to 25% compared to 29% the quarter before. Churn beyond the trial period, which Stamps considers a more accurate measure of its performance, was 3% in Q2 compared to 2.9% in Q1.

According to Stamps.com CFO Kyle Huebner, the company's total marketing spend in Q2 was \$3.6 million.

The cost per gross customer acquisition rose from \$68 to \$79 sequentially. McBride attributed the surge to the shift from lower-cost acquisition

channels to higher-cost ones. "We're comfortable with the acquisition costs in the current range and we feel that the cost is very attractive relative to the expected lifetime value of the customer," McBride said.

Stamps reported revenues of \$8.2 million for Q2, up 64% year-over-year and 8% sequentially. They were \$200,000 ahead of guidance. It lost \$2.3 million, or 10 cents a share, compared to a loss of \$2.84 million, or 12 cents, in the same period last year.

Service fees accounted for 81% of total revenues; online store sales and package insurance accounted for the rest. Service fees were up 11% sequentially driven by the increase in the customer base and the increased mix of Power Plan customers while online store and package insurance revenues were down 6% because of seasonality.

The company's online store, which sells consumables, racked up sales of \$1.2 million. Stamps said it added 52 new items to its wares in Q2. The store now has 73 SKUs.

The company's gross margin was 63%.

This quarter, Stamps is projecting revenues of \$8.7 million and a gross margin in the high 60s. It expects to lose about a penny per share.

In Q4, Stamps figures it can do \$9.4 million and again return a gross margin in the high 60s.

It repeated its expectation of being profitable in Q4. For the year 2004, Stamps now expects revenues to be \$33.8 million, a slight increase over its previous guidance of \$33 million with a gross margin in the mid-60%.

Sales and marketing spend for the year should work out to around \$12 million, a million dollars more than its previous guidance, with a net loss of \$7 million, or 31 cents per share. Stamps.com expects registered customers to be about 15% higher in 2004 than its 2003 figure of 294,000. And it expects the Simple Plan base to continue to decline with Power Plan expected to account for 45%-50% of its customers by the year-end.

The Stamps.com board has authorized a new share repurchased program of up to \$20 million over the next 12 months. The company ended Q2 with \$82.6 million in the bank and short-term investments.

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COMPANY NAMES: STAMPS COM INC

INDUSTRY NAMES: Business services; Information industry; Online services

PRODUCT NAMES: Computer integrated systems design (737300); Computer processing and data preparation and processing (737400); On-line service providers (737500)

CONCEPT TERMS: All company; Financial data

GEOGRAPHIC NAMES: North America (NOAX); United States (USA)

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